

GOVERNMENT IN THE SUNSHINE ACT

SEPTEMBER 18 (legislative day, SEPTEMBER 12), 1975.—Ordered to be printed

Mr. CANNON, from the Committee on Rules and Administration and on behalf of the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 5]

The Committee on Rules and Administration, to which was referred title I of the bill (S. 5) to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes, having considered the same, reports favorably thereon with an additional amendment, and recommends that the bill as further amended by the Committee on Rules and Administration do pass.

The Committee on the Judiciary, to which was referred section 202 of Title II of the bill (S. 5), has been unable to act thereon due to the press of other legislative business, but agrees to report the bill with the reservation of the right to file on the floor of the Senate proposed amendments to this legislation at a later date.

S. 5 would provide that, except under certain specified circumstances, all meetings of multiheaded Government agencies and of congressional committees would be open to the public.

This measure was reported by the Committee on Government Operations on July 31, 1975, with an amendment in the nature of a substitute. On August 1, 1975, by unanimous consent, the bill was referred to the Committee on Rules and Administration for consideration of title I only, with instructions to report back no later than September 15. This reporting date was subsequently extended to September 19.

Title I, which is the subject of this Committee's consideration, would—

(1) Amend the Legislative Reorganization Act of 1946 to open to the public most meetings of Senate standing, select, and special committees (including all subcommittees), as well as meetings of joint committees and conference committees of the Congress;

(2) Repeal the present rule Senate on the subject (paragraph 7(b) of Rule XXV); and

(3) Amend Rule XI of the Rules of the House of Representatives to open to the public most meetings of House standing, select, and special committees (including all subcommittees).

The Committee on Rules and Administration is reporting S. 5 with an additional amendment, the effect of which would be to strike Title I from the bill. While the Committee generally agrees with the concept of more openness in Government as expressed in S. 5, it believes that in respect to congressional committees such purpose would more properly be achieved by direct amendment of the Standing Rules of the Senate rather than by amendment of the Legislative Reorganization Act of 1946. Consequently the Committee is reporting Senate Resolution 9 with an amendment in the nature of a substitute for that purpose. (For details of that proposal see the report of the Committee on Rules and Administration to accompany S. Res. 9.)

The Committee on Rules and Administration has recommended that in respect to congressional committees the purposes of S. 5 be accomplished by direct amendment of the Standing Rules, rather than by amendment of the Legislative Reorganization Act of 1946, for the following reasons:

Section 5 of Article I of the Constitution provides that "Each House may determine the Rules of its Proceedings, * * *." In the Committee's judgment such a fundamental change in Senate procedure as further opening of committee meetings should be accomplished by simple resolution directly amending the Senate rules, thus obviating the necessity of participation by the House of Representatives or the President in a matter which is solely within the jurisdiction of the Senate itself.

The Legislative Reorganization Act of 1970 enacted certain provisions bearing on the procedure and organization of both Houses of Congress. In many instances that Act effected changes in the Standing Rules of the House of Representatives, while it left comparable or identical provisions relating to the Senate standing as provisions of public law, and not as comparable changes in the Standing Rules of the Senate. The Committee on Rules and Administration has undertaken a review of all such provisions of the Legislative Reorganization Acts (1946 and 1970) with the objective of ultimately incorporating all appropriate provisions into the Standing Rules themselves.

The Committee on Rules and Administration did not address itself to the matter of open meetings of joint committees of Congress, believing that subject should await experience gained under the new procedure in respect to standing committees, but by a vote of 7 to 1 it agreed to table Senate Resolution 12, which would have opened up conference committees. The vote to table Senate Resolution 12 was as follows:

YEAS—7

NAYS—1

Mr. Cannon

Mr. Hatfield

Mr. Pell ¹

Mr. Scott

Mr. Byrd

Mr. Griffin

Mr. Allen

Mr. Williams ¹

¹ Proxy.

It should be noted that since the Committee on Rules and Administration was directed by the Senate to confine its consideration only to Title I of S. 5, the Committee is thereby precluded from reporting the technical or conforming amendments in the other portions of S. 5 which would be required as a result of its recommended deletion of Title I. Thus, should the recommendation of the Committee on Rules and Administration be approved by the Senate, authority for making such necessary conforming amendments should be included within that approval.

ROLLCALL VOTE ON S. 5

On the motion by Mr. Robert C. Byrd that Title I of S. 5 be stricken and the remainder of the bill be reported favorably, the Committee voted as follows:

YEAS—7

NAYS—1

Mr. Cannon
Mr. Hatfield
Mr. Pell ¹
Mr. Scott
Mr. Byrd
Mr. Griffin
Mr. Allen
Mr. Williams ¹

¹ By proxy.

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